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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,344	09/25/2001	Ghislain Lete	214174US2	5880
22850	7590	04/03/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				ROBERTS, BRIAN S
ART UNIT		PAPER NUMBER		
		2616		

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/961,344	LETE, GHISLAIN	
	Examiner Brian Roberts	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 January 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 11-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 11-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

- Applicant's Amendment filed 1/23/2006 is acknowledged..
- Claims 11-26 remain pending.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 11 and 20

The term "real" in claim 11 and 20 renders the claim indefinite. The term "real" is not defined by the claim or the specification. For the purpose of examination, the Examiner interprets "real" to mean tangible.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2616

4. Claims 11-15, 18-22, and 24-26, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6718158) in view of Sounvieri (US 6571284).

- In reference to claims 11,18,19, 20, and 24

In Figure 1 and 2, Suonvieri (US 6718158) teaches a communications system and method comprising:

- Associating an O&M (dummy station/real station) to a BSC (group), the O&M comprising of different resources allocated to the BTSs (stations) (column 3 lines 2-7) (column 3-4 lines 62-3)
- A network management system tuning (setting-up) (column 3 lines 1-7) a repeater (relay) configured to inherently keep communications and via sending an alarm to restore communications involving the Mobile Stations (mobile terminals), the BTSs, and BSCs
- Reallocate resources of the O&M (dummy station) to the repeater (relay stations) (column 3-4 lines 62-3)

Sounvieri (US 6718158) does not explicitly teach setting-up the relay stations or reallocating resources to the relay stations based on information from a device the determines how a group structure evolves.

In Figure 1, Sounvieri (US 6571284) teaches a network management system with a database that contains the repeater parameters for each repeater as well as the base stations each repeater is associated with. Furthermore, Sounvieri (US 6571284) teaches using the database to setup and change the settings of the repeaters.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri (US 6718158) to include initially setting up the repeaters and reallocating resources to the repeaters based on information from a device the determines how a group structure evolves as taught by Suonvieri (US 6571284) because it would allow the network management system to maximize the utilization of the network resources and minimize the wasting of network resources as the system parameters change.

- In reference to claims 12, 21

Suonvieri (US 6718158) further teaches an O&M (main station) for allocating and reallocating resources. (column 3 lines 2-7) (column 3-4 lines 62-3)

- In reference to claims 13, 14, 22

Suonvieri (US 6718158) further teaches a repeater (relay) with different resources (communication plan) for each BSC being used by a plurality of BSCs (groups) wherein the resources are allocated by the O&M. (column 3-4 lines 62-3)  
(Figure 1, Block B)

- In reference to claims 15

Suonvieri (US 6718158) further teaches a system and method where the management system may have one communications plan or settings for each BSC, and

Art Unit: 2616

the O&M (dummy station) can change the settings for each repeater. (relay station) (column 3-4 lines 62-3) (column 5 lines 2-30)

- In reference to claims 25 and 26

Suonvieri (US 6718158) teaches an O&M for allocating resources. (column 3-4 lines 62-3)

5. Claims 16-17 and 23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6718158) in view of Suonvieri (US 6571284), as applied to the parent claims, and further in view of Geg-Marconi Hazeltine.

- In reference to claim 16

The combination of Suonvieri teaches a system and method that covers substantially all limitations of the parent claim. In Figure 1 and 2, Suonvieri (US 6718158) further teaches the O&M reallocating resources to groups of BSCs connected to BTSs, mobile stations, and repeaters each inherently having a unique ID. (column 3-4 lines 62-3) (column 5 lines 2-30)

The combination of Suonvieri does not teach reallocating resources comprising of time reallocation steps.

Geg-Marconi Hazeltine teaches a method of Time Slot Reallocation in a TDMA system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri to include the method of

Time Slot Reallocation as taught by Geg-Marconi Hazeltine because it would allow the O&M to reallocate time slots to network elements with a higher priority in a TDMA system so that they could have multiple time slots and thus a greater bandwidth as compared to lower priority network elements that have fewer allocated time slots.

- In reference to claims 17, 23

The combination of Suonvieri teaches a system and method that covers substantially all limitations of the parent claim.

The combination of Suonvieri does not teach a system and method for deployments of L16 MIDS land networks.

Geg-Marconi Hazeltine teaches a L16 MIDS land network.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri for deployments of MIDS land network as taught by Geg-Marconi Hazeltine because MIDS provides for a secure, jamming resistant, high capacity network.

### ***Response to Arguments***

Applicant's arguments filed 1/23/2006 have been fully considered but they are not persuasive.

- In the Remarks on pg. 7 of the Amendment, the Applicant contends that Suonvieri does not teach that the dummy station is configured to materialize into a real station.

- The Examiner respectfully disagrees. The Examiner interprets the O&M to read upon a dummy station and asserts that the O&M is a real or tangible station.
- In the Remarks on pg. 8 of the Amendment, the Applicant contends that Suonvieri does not teach reallocating resources of the dummy station to the at least one relay station after the setting-up.
- The Examiner respectfully disagrees. Suonvieri teaches reallocating resources of the O&M (dummy station) to the repeater (relay stations) after set-up .(column 3-4 lines 62-3)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR  
03/29/06



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